

of ALAbama Southern Division

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FILED FEB 5 2 24 PM '33 JUDICIALS

## Motion to dismiss

Motion to  
Comes now The undersigned and respectfully files this motion to  
dismiss in the above styled matter in support of this motion The  
undersigned offers the following facts and grounds.

1. On April of 2023 of count 1, 2 co-defendant Reginald Flucker wrote and sign a sworn Affidavite Notarize by mobile county Jail house official that I mr McCarroll had no Involment in The bank night Life murder That took place on 9/18/22. A bond hearing was held in state court on June 12, 2023 where district attorney and detective stated and agreed Flucker was not force or Threaten to write The Affidavite Also at The time of The written affidavite Flucker was held in protected custody docm at mobile county Jail.

2. I Mr McCarrroll challenge Federal prosecutors due to lack of evidence and Failure to prove each and every element to murder-for-hire beyond the reasonable doubt numbered 3 element to murder-for-hire stat's "That anything of pecuniary value was recieved or promised or agreed to be paid as consideration for the murder" prosecutors fail to prove this element beyond the reasonable doubt in the conspiracy alleged in count 1 and the substantive crimes of murder for hire in count 2 and 5 Federal prosecutors are only relaying on conflicting testimony from Reginald Flucker who sign a sworn Affidavite and a CI by the name of Johnathan Thomas. Reginald Flucker stated at the time of the shooting he was staying with Johnathan Thomas and also he didn't recieve any money or payment from me Mr McCarrroll for the shooting which coincides with Flucker Affidavit instead made claim's Johnathan Thomas paid him a hundred dollars for the shooting. Federal prosecutors also failed to show any evidence to prove the number 1 and 2 elements of murder-for-hire which stat's "That the defendant at or about the time charged in the indictment travelld or caused another to travel in interstate commerce or used or caused another to use the mail or any facility in interstate or foreign commerce and that the travel or use of the mail or interstate facility was done with the Intent that a murder be committed in violation of the laws of any State or the United States.

3. On or about October 2023 The prosecutors The court's and all co-defendant's attorney's including my previous attorney Mr madden I ask to withdraw from my case approached me on Oct. 19 with a waiver I was ask to sign after my name was already called for court leaving me to meet with him 1 to 2 minute to make a decision which I immediate decline and said no which show why i never signed a waiver for The agreed trial term of Oct 2024 That The court prosecutors and other's co-defendant's attorney agreed appond. Mr madden to Furtherd The conversation by telling me That I didn't have to sign but if we lose trial it would be my Fault because I didn't allow him time to go over my case so with me being confused on what to do with time ticking to get in court Mr madden ask me would I sign a June waiver which was not agreed appond by court's and all attorneys because he could not be ready for any trial date set before June due to matters he had already set for spring These statement's which Mr madden also expressed in A Letter he wrote me in escambia county Jail show's me That Mr madden took my case knowing That he couldn't be ready to protect my 6 addmendment consitutional



right to A Fast and speedy trial Mr Madden clearly relied on my constitutional rights for his own matters he expressed in his letter and to make The court's aware of his matters he had in spring 2024 under The state law 18 U.S.C 3161 (8) (A). "The government should never rely on a defendant unilateral waiver of his right under The Act. The government should make sure That The Judge enters an "Ends of Justice" and That he set forth his reason for doing so. do to The violation of my 6 admendment constitutional right being violated and being provided inefficient counsel by the united state government I Ask That The Honorable court's and Judge terry F. moore dismisses indictment CA-23-169-TFM

### Certificate of Service

I hereby certify That on January 21.2024 I handwritten filled The foregoing with The clerk of The court's clerk may provide all party's that desire with copy

*John McNeill Jr*

John McCarroll

316 Court St

Escambia AL 36426



FOREVER /

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155 Saint Joseph St.  
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INMATE  
MAIL

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